

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

WP(C).No. 21641 of 2007(B)

PETITIONERS:

1. C.TITUS, T.S.COTTAGE, PODUVAL,
TIRUPURAM P.O, NEYYATTINKARA, THIRUVANANTHAPURAM.

2. ALEX PAUL, ALEX BHAVAN, PODUVAL
TIRUPURAM P.O, NEYYATTINKARA, THIRUVANANTHAPURAM.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENTS:

1. THE DISTRICT COLLECTOR, COLLECTORATE,
THIRUVANANTHAPURAM.

2. THE RDO, THIRUVANANTHAPURAM.

3. THE POLLUTION CONTROL BOARD REPRESENTED
BY ITS SECRETARY, THIRUVANANTHAPURAM.

4. THE DISTRICT MEDICAL OFFICER (DMO),
THIRUVANANTHAPURAM.

5. THE SECRETARY, TIRUPURAM GRAMA
PANCHAYAT, TIRUPURAM.

6. THE PRESIDENT, TIRUPURAM GRAMA
PANCHAYAT, TIRUPURAM.

7. SURESH STEPHEN, PODUVAL HOUSE,
PODUVAL, TIRUPURAM VILLAGE, NEYYATTINKARA,
THIRUVANANTHAPURAM.

8. STEPHEN, PODUVAL HOUSE, PODUVAL,
PODUVAL, TIRUPURAM VILLAGE, NEYYATTINKARA,
THIRUVANANTHAPURAM.

WPC.21641/07

R1, R2 & R4 BY SR.GOV.T.PLEADER SRI.K.J.MOHAMMED ANZAR

R3 BY ADV. SMT.K.K.THULASY BHAI,SC.

R5 BY ADV. SRI.G.P.SHINOD

SRI.RAM MOHAN.G.

R6 BY ADV.SRI.MANU V.

SRI.PUNCHAKKARY G.RAVEENDRAN NAIR

R7 & R8 BY ADV. SRI.G.S.REGHUNATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22/10/2007, ALONG WITH WPC NO. 26182 OF 2007, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

.....
W.P.(C)Nos.21641 OF 2007 &
26182 of 2007
.....

DATED THIS THE 22ND OCTOBER, 2007

J U D G M E N T

W.P.(C)No.26182 of 2007 is filed complaining that the application submitted by the petitioner for conducting a poultry farm is not being considered at all by the Panchayat at the instance of the petitioners in W.P.(C)No.21641 of 2007 who have filed certain objections. The prayer of the petitioners in W.P.(C)No.21641 of 2007 is that licence may not be issued to the petitioner in W.P.(C)No.26182 of 2007.

2. The Panchayat has filed a detailed counter affidavit in W.P.(C) No.26182 of 2007. It is contended therein that even the application for licence submitted by the petitioner in W.P.(C)No.26182 of 2007 is not a proper one.

3. I have heard the submissions of Mr.G.S.Raghunath, counsel for the petitioner in W.P.(C)No.26182 of 2007, Mr.Suman Chakravarthy, counsel for the petitioners in W.P.(C)No.21641 of 2007, Mr.V.Manu, counsel for the Panchayat and Mr.K.J.Mohammed Anzar, Government Pleader for the official respondents.

4. Having regard to the submissions, I am of the view that it will

not be proper on the part of this Court to decide on the merits of the grounds raised in either of the Writ Petitions since the licence application submitted by the petitioner in W.P.(C)No.26182 of 2007 is yet to be formally disposed of by the Panchayat. Both the Writ Petitions will stand disposed of issuing the following directions:-

The Panchayat will take up the licence application submitted by the petitioner in W.P.(C)No.26182 of 2007 (the application referred to in the counter affidavit submitted by the Panchayat), hear the petitioners in both the cases and take a final decision on the licence application. Considering the stand of the counsel for the Panchayat that several other people in the locality will also be interested on the issue, I permit the Panchayat to take out such public notice so as to enable other interested persons also to participate in the hearing. At any rate, the licence application preferred by the petitioner in W.P.(C) No.26182 of 2007 shall be finally disposed of within six weeks of receiving copy of this judgment.

(PIUS C.KURIAKOSE, JUDGE)

tgl

WP(C)N0.21641/07 ETC.

WP(C)N0.21641/07 ETC.